UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/702,094	FRIEDMAN ET AL.
	Examiner	Art Unit
	Avi Gold	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 April 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _24 and 27-56_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _24 and 27-56_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date 5-14-07

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 20070425

DETAILED ACTION

This action is responsive to the RCE filed on April 9, 2007. Claims 1-23, 25, and

26 were cancelled. Claims 24 and 32 were amended. Claims 33-56 were added.

Claims 24 and 27-56 are pending.

Response to Amendment

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 24, 27, 30-33, 35-37, 43, and 47-52 are rejected under 35 U.S.C. 102(e)

as being anticipated by Leinwand et al., U.S. Patent No. 6,130,890.

Leinwand teaches the invention as claimed including a method and system for

improving routing decisions, particularly for Internet data packets traveling to a

destination associated with another country (see abstract).

Regarding claim 32, Leinwand teaches a method for routing network traffic,

comprising:

receiving the network traffic at the routing device (col. 3, lines 9-11, Leinwand

discloses a packet traveling over a system from source to destination);

determining a destination for the network traffic (col. 3, lines 11-13, Leinwand

discloses a destination in a geographic area);

obtaining geographic information on one of a source or the destination

associated with the network traffic from a map of the network, the map being produced

as a result of:

determining a route through the network which includes one of the destination or

source (col. 3, lines 9-11);

deriving a geographic location of one or more intermediate hosts contained within

the route through the network, using a particular IP address associated with the one or

more intermediate hosts (col. 2, lines 14-19, Leinwand discloses autonomous systems

acting as intermediate nodes to route a packet to its destination; col. 3, lines 20-44,

Leinwand discloses autonomous systems having a geographic locations and IP

addresses assigned to a system based on its geographic area);

analyzing the route and the geographic locations of the one or more intermediate

hosts, using the particular IP address associated with each intermediate host (col. 3,

lines 20-44, col. 7, lines 5-25, Leinwand discloses routers making a decision as to which

of the autonomous systems the data packet is going to next);

determining the geographic location of the source or destination, using the

particular IP address associated with the source or destination (col. 3, lines 11-13,

Leinwand discloses separate geographic location for source and destination, col. 3,

lines 20-44); and

storing the geographic location in the map (col. 15, lines 19-34, Leinwand

discloses an autonomous system being mapped according to its geographic location);

and

directing the network traffic by the routing device to a desired destination based

on the geographic location of the source or destination and the geographic location of

the one or more intermediate hosts, and wherein the source, the destination, and the

one or more intermediate hosts are each located in a different area of the same country,

and wherein an area is at least one of a city, county, state , zip code, area code, or

region (col. 3, lines 9-34, Leinwand discloses a packet being routed to its destination

based on its source or destination location; col. 2, lines 14-19, Leinwand discloses

autonomous systems acting as intermediate nodes to route a packet to its destination;

col. 5, lines 5-23, Leinwand discloses multiple geographically dispersed autonomous

systems that are source, destination, and intermediate nodes).

Regarding claim 27, Leinwand teaches the method as set forth in claim 24

wherein intelligence includes a connection speed associated with the source (col. 11,

lines 5-24, Leinwand discloses choosing a route having the fastest speed for the data

packet).

Regarding claim 30, Leinwand teaches the method as set forth in claim 24

wherein intelligence includes a latency time associated with the destination (col. 9, lines

22-39, Leinwand discloses choosing a route to avoid delays in transmission).

Regarding claim 31, Leinwand teaches the method as set forth in claim 24

wherein intelligence includes information on loads at different destinations (col. 11, lines

5-24, Leinwand discloses choosing a route to avoid congestion).

Regarding claim 35, Leinwand teaches the method of claim 33, wherein the

network traffic comprises a request and the destination comprises a server (col. 2, lines

14-20, Leinwand discloses autonomous systems requesting traffic).

Regarding claim 36, Leinwand teaches the method of claim 33, wherein the

selecting step further comprises selecting a route with a shortest distance to the

destination (col. 2, lines 14-20, Leinwand discloses autonomous systems requesting

traffic).

Regarding claim 37, Leinwand teaches the method of claim 33, wherein the

selecting step further comprises selecting a route having the shortest latency time (col.

9, lines 22-39, Leinwand discloses choosing a route to avoid delays in transmission).

Regarding claim 43, Leinwand teaches the method of claim 33, wherein

determining a destination comprises selecting a destination based on its load (col. 11,

lines 5-24, Leinwand discloses choosing a route to avoid congestion).

Regarding claim 47, Leinwand teaches the method of claim 33, wherein the

selecting step further comprises selecting a route based on interconnection speeds,

within the network (col. 11, lines 5-24, Leinwand discloses choosing a route having the

fastest speed between nodes for the data packet).

Regarding claim 48, Leinwand teaches the method of claim 33, further

comprising analyzing interconnections between routing devices in the network (col. 7,

lines 5-25, Leinwand discloses each interconnected router making a decision which

route to go to the destination).

Regarding claim 49, Leinwand teaches the method of claim 48, wherein

analyzing comprising modeling behavior of the network (col. 7, lines 5-25, Leinwand

discloses routers choosing routes for the packets).

Regarding claim 50, Leinwand teaches the method of claim 49, wherein

modeling comprising approximating the behavior at routing devices in the network (col.

7, lines 5-23, Leinwand discloses autonomous systems receiving reachability

information in order to determine the routes).

Regarding claim 51, Leinwand teaches the method of claim 49, wherein

modeling comprises simplifying the map of the network by combining routing devices in

traffic routes (col. 1, lines 39-50, Leinwand discloses calls routed to a geographic

region; col. 2, lines 21-32, Leinwand discloses router acting as a node for data to

access multiple routes).

Regarding claim 52, Leinwand teaches the method of claim 33, wherein the

network comprises the Internet and the network traffic comprises packets (col. 4, lines

36-38, Leinwand discloses network traffic comprised of packets routed over the

Internet).

Claims 24 and 32 do not teach or define any new limitations above claim 33 and

therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 28, 29, and 38 rejected under 35 U.S.C. 103(a) as being unpatentable

over Leinwand further in view of Rochberger et al., U.S. Patent No. 6,577,653.

Leinwand teaches the invention substantially as claimed including a method and

system for improving routing decisions, particularly for Internet data packets traveling to

a destination associated with another country (see abstract).

As to claims 28, 29, and 38, Leinwand teaches the method of claims 24 and 33.

Leinwand fails to teach the limitation further including the selection of a route

based on bandwidth.

However, Rochberger teaches establishing a route in an Asynchronous Transfer

Mode (ATM) network utilizing one or more parallel route segments (see abstract).

Rochberger teaches the use of selecting a route based on having the most available

bandwidth and selecting the amount of bandwidth available at the destination (col. 9,

lines 28-62).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Leinwand in view of Rochberger to select a route of traffic based on

bandwidth. One would be motivated to do so because decisions based on bandwidth

help avoid congestion in data traffic.

5.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Leinwand further in view of Zhang et al., U.S. Patent No. 6,324,585.

Leinwand teaches the invention substantially as claimed including a method and system for improving routing decisions, particularly for Internet data packets traveling to a destination associated with another country (see abstract).

As to claims 34, Leinwand teaches the method of claim 33.

Leinwand fails to teach the limitation further including the use of a domain name service inquiry.

However, Zhang teaches a method and apparatus for resolving a Domain Name Service request in a system where it is possible for the user to connect to more than one network at a time (see abstract). Zhang teaches the use of domain name service (col. 1, lines 34-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leinwand in view of Zhang to use a domain name service inquiry. One would be motivated to do so because a domain name service enables the central managing of host names to IP addresses.

6.   Claims 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leinwand in view of Knauerhase et al., U.S. Patent No. 6,345,303, further in view of Fung et al., U.S. Patent No. 6,069,939.

Leinwand teaches the invention substantially as claimed including a method and system for improving routing decisions, particularly for Internet data packets traveling to a destination associated with another country (see abstract).

As to claim 39, Leinwand teaches the method of claim 33.

Leinwand fails to teach the limitation further including selecting a destination because it has content associated with the geographic location, wherein the content is one of advertising content is one of advertising content associated with the geographic location, promotional content associated with the geographic location, or content in a language associated with the geographic location.

However, Knauerhase teaches a method and apparatus for enabling a device configured as a network proxy to be dynamically chained to a second network proxy (see abstract). Knauerhase teaches the selection of a destination address (col. 7, lines 17-46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leinwand in view of Knauerhase to select a destination address. One would be motivated to do so because it will allow for the selection of an appropriate destination.

Leinwand and Knauerhase fail to teach the limitation further including selecting a destination because it has content associated with the geographic location, wherein the content is one of advertising content is one of advertising content associated with the geographic location, promotional content associated with the geographic location, or content in a language associated with the geographic location.

However, Fung teaches a method and apparatus for automatically providing a called party with audio prompts in a language or dialect that has been selected by the calling party for the called party or is generally spoken in the called party's geographic

location (see abstract). Fung teaches the selection of a language from a plurality of language selections in response to the determined geographic location of the called party (col. 2, line 30 – col. 3, line 43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leinwand and Knauerhase in view of Fung to choose content based on a language associated with the geographic location. One would be motivated to do so because it will allow for the content to be in that location's native language.

Claims 40-42 do not teach or define any new limitations above claim 39 and therefore are rejected for similar reasons.

7.   Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leinwand further in view of Knauerhase et al., U.S. Patent No. 6,345,303.

Leinwand teaches the invention substantially as claimed including a method and system for improving routing decisions, particularly for Internet data packets traveling to a destination associated with another country (see abstract).

As to claim 44, Leinwand teaches the method of claim 33, wherein selecting the desired route based on a connection speed associated with the source (col. 11, lines 5-24, Leinwand discloses choosing a route having the fastest speed for the data packet).

Leinwand fails to teach the limitation further including selecting the desired destination based on a connection speed associated with the source.

However, Knauerhase teaches the selection of a destination address (col. 7,

lines 17-46).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Leinwand in view of Knauerhase to select a destination address.

One would be motivated to do so because it will allow for the selection of an appropriate

destination.

8.   Claims 45 and 46 rejected under 35 U.S.C. 103(a) as being unpatentable over

Leinwand in view of Rochberger et al., U.S. Patent No. 6,577,653, further in view of

Knauerhase et al., U.S. Patent No. 6,345,303.

Leinwand teaches the invention substantially as claimed including a method and

system for improving routing decisions, particularly for Internet data packets traveling to

a destination associated with another country (see abstract).

As to claims 45 and 46, Leinwand teaches the method of claim 33.

Leinwand fails to teach the limitation further including the selection of a

destination based on bandwidth.

However, Rochberger teaches the use of selecting a route based on having the

most available bandwidth and selecting the amount of bandwidth available at the

destination (col. 9, lines 28-62).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Leinwand in view of Rochberger to select a route of traffic based on

bandwidth. One would be motivated to do so because decisions based on bandwidth help avoid congestion in data traffic.

Leinwand and Rochberger fail to teach the limitation further including the selection of a destination based on bandwidth.

However, Knauerhase teaches the selection of a destination address (col. 7, lines 17-46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leinwand and Rochberger in view of Knauerhase to select a destination address. One would be motivated to do so because it will allow for the selection of an appropriate destination.

9.   Claims 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leinwand further in view of Ansell et al., U.S. Patent No. 6,151,631.

Leinwand teaches the invention substantially as claimed including a method and system for improving routing decisions, particularly for Internet data packets traveling to a destination associated with another country (see abstract).

As to claim 53, Leinwand teaches the method of claim 33.

Leinwand fails to teach the limitation further including the assignment of a confidence level.

However, Ansell teaches an efficient mechanism for determining a geopolitical

territory in which a computer of a wide area computer network is located (see abstract).

Ansell teaches the use of a level of confidence (col. 8-9).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Leinwand in view of Ansell to assign a level of confidence. One

would be motivated to do so because it determines if a specification is met with

satisfaction.

Claims 54 and 55 do not teach or define any new limitations above claim 53 and

therefore are rejected for similar reasons.

10.   Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Leinwand, Knauerhase, and Fung, further in view of Ansell et al., U.S. Patent No.

6,151,631.

Leinwand teaches the invention substantially as claimed including a method and

system for improving routing decisions, particularly for Internet data packets traveling to

a destination associated with another country (see abstract). Knauerhase teaches the

invention substantially as claimed including a method and apparatus for enabling a

device configured as a network proxy to be dynamically chained to a second network

proxy (see abstract). Fung teaches the invention substantially as claimed including a

method and apparatus for automatically providing a called party with audio prompts in a

language or dialect that has been selected by the calling party for the called party or is

generally spoken in the called party's geographic location (see abstract).

As to claim 56, Leinwand teaches the method of claim 39.

Leinwand fails to teach the limitation further including the assignment of a

confidence level.

However, Ansell teaches the use of a level of confidence (col. 8-9).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Leinwand, Knauerhase, and Fung in view of Ansell to assign a level

of confidence. One would be motivated to do so because it determines if a specification

is met with satisfaction.

Response to Arguments

11.   Applicant's arguments with respect to claims 24-56 have been considered but are

moot in view of the new ground(s) of rejection.

12.   Applicant's arguments regarding claims 49-51, filed April 9, 2007, have been fully

considered but they are not persuasive.

13.   In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., the specification's definition of modeling) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

    U.S. Pat. No. 6,272,150 to Hrastar et al.

    U.S. Pat. No. 6,266,607 to Meis et al.

    U.S. Pat. No. 6,151,631 to Ansell et al.

    U.S. Pat. No. 6,285,748 to Lewis.

    U.S. Pat. No. 6,347,078 to Narvaez-Guarnieri et al.

    U.S. Pat. No. 5,774,668 to Choquier et al.

    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Avi Gold whose telephone number is 571-272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG

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